

Doc Code:

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number 10/696,253

Filing Date October 29, 2003

First Named Inventor Alex Fishman

Art Unit 2857

Examiner Name Hal D. Wachsman

Attorney Docket Number 15436.253.77.1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

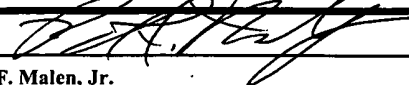
2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 23-3178. I have enclosed a duplicate copy of this sheet.
- i. ☐ RCE fee required under 37 CFR 1.17(e) 05/25/2005 MAHME1 00000073 10696253
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 00
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

| | | | |
|---------------------|---|------------------|--------------|
| Signature |  | Date | May 23, 2005 |
| Name (Print / Type) | Peter F. Malen, Jr. | Registration No. | 45,576 |

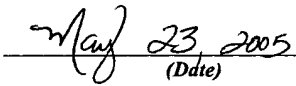
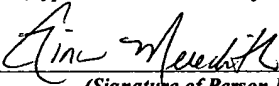
CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


| | | | |
|---------------------|--|------|--|
| Signature | | | |
| Name (Print / Type) | | Date | |

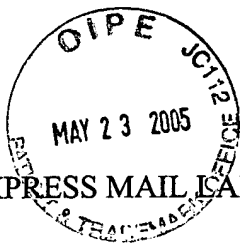
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

| | | | | |
|---|---------------------------------|-----------------------------|------------------------------|------------------------|
| CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Fishman, et al. | | | Docket No. 15436.253.77.1 | |
| Application No. 10/696,253 | Filing Date October 29, 2003 | Examiner Hal D. Wachsman | Customer No. 022913 | Group Art Unit 2857 |
| Invention: SYSTEM AND METHOD OF TESTING A TRANSCEIVER | | | | |
| <p>I hereby certify that the following correspondence:</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> RCE and Submission (21 pgs); RCE Transmittal (1 pg in duplicate); Amendment Transmittal Letter (1 pg in duplicate); Combined Declaration and Power of Attorney (6 pgs); IDS (3 pgs); IDS Transmittal Letter (2 pgs); Form 1449 (3 pgs); Credit Card Payment Form; and Postcard </div> <p style="text-align: center;"><i>(Identify type of correspondence)</i></p> <p>is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on</p> <div style="margin-top: 20px;"> <div style="display: flex; align-items: center;"> <div style="text-align: center; margin-right: 20px;">  (Date) </div> <div style="text-align: center;"> Gina Meredith <i>(Typed or Printed Name of Person Mailing Correspondence)</i>  <i>(Signature of Person Mailing Correspondence)</i> </div> </div> <div style="margin-top: 20px; text-align: center;"> EV 657811489 US <i>("Express Mail" Mailing Label Number)</i> </div> </div> | | | | |

Note: Each paper must have its own certificate of mailing.

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|---|--|------------------------------------|--|-------------------------------|-------------------------------------|--|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | | Docket No. 15436.253.77.1 | |
| Applicant(s): Fishman, et al. | | | | | | |
| Application No. 10/696,253 | Filing Date October 29, 2003 | Examiner Hal D. Wachsman | Customer No. 022913 | Group Art Unit 2857 | Confirmation No. 7077 | |
| Invention: SYSTEM AND METHOD OF TESTING A TRANSCEIVER | | | | | | |
| COMMISSIONER FOR PATENTS: | | | | | | |
| Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. | | | | | | |
| CLAIMS AS AMENDED | | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE | |
| TOTAL CLAIMS | 22 - | 22 = | 0 | x \$50.00 | \$0.00 | |
| INDEP. CLAIMS | 4 - | 4 = | 0 | x \$200.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$0.00 | |
| <div style="display: flex; flex-direction: row;"> <div style="flex: 1;"> <input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 23-3178 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038. </div> <div style="flex: 1; padding-left: 20px;"> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> </div> </div> | | | | | | |
|  Peter F. Malen, Jr. Attorney for Applicants Reg. No. 45,576 Telephone No. 801-533-9800 | | | Dated: May <u>23</u> , 2005 | | | |
| CC: | | | <div style="border-bottom: 1px solid black; margin-bottom: 10px;"> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;"> (Date) </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px;"> Signature of Person Mailing Correspondence </div> <div style="border-bottom: 1px solid black;"> Typed or Printed Name of Person Mailing Correspondence </div> | | | |



EXPRESS MAIL LABEL NO: EV 657811489 US

PATENT APPLICATION
Docket No. 15436.253.77.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|------------------------------|------------|
| In re application of | |) |
| | |) |
| | Alex Fishman et al. |) |
| | |) |
| Serial No.: | 10/696,253 |) Art Unit |
| | |) 2857 |
| Filed: | October 29, 2003 |) |
| | |) |
| For: | SYSTEM AND METHOD OF TESTING |) |
| | A TRANSCEIVER |) |
| | |) |
| Confirmation No.: | 7077 |) |
| | |) |
| Customer No.: | 22913 |) |
| | |) |
| Examiner: | Hal D. Wachsman |) |

RCE AND 'SUBMISSION' PURSUANT TO 37 CFR 1.114(e)

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the interest of advancing the prosecution of this case, Applicant has submitted herewith a Request for Continued Examination, an Amendment responsive to the Office Action mailed February 24, 2005 (the "Office Action"), and an Information Disclosure Statement ("IDS"). Reconsideration is respectfully requested in view of the IDS, and the following amendments and remarks:

Amendments to the Specification begin on page 2 of this paper;

Amendments to the Abstract begins on page 5 of this paper;

Amendments to the Claims begins on page 6 of this paper; and

Remarks begin on page 12 of this paper.